

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08CV00326**

BV RETAIL, LLC,

**Plaintiff,
vs.**

RAVING BRANDS, INC.,

Defendant.

CONSENT JUDGMENT

THIS MATTER was scheduled for trial on March 2, 2009. On February 25, 2009, the Court conducted a pre-trial conference, at which time the defendant acknowledged that it desired to enter a consent judgment rather than proceed with trial.

This action arises out of a breach of guarantee and a breach of a promissory note. Both contracts contain a provision for the recovery of attorney fees. Counsel for the plaintiff, Fred W. DeVore, III, has submitted an affidavit that the plaintiff has incurred, to date, attorney fees in representation of this matter in the amount of \$8,085.00 and a filing fee of \$350.00. The Court finds said fees to be ordinary and customary for Mecklenburg County, North Carolina, given the complexity of this matter, and the experience and reputation of plaintiff's counsel.

The Court, having already granted summary judgment in the matter on the issue of liability, therefore, with the consent of all parties, enters the following judgment.

IT IS HEREBY ORDERED that the plaintiff, BV Retail, LLC, have and recover from the defendant, Raving Brands, Inc., the sum of \$206,051.50 together with the costs of this action, including attorney fees in the amount of \$8,085.00 and \$350.00 in costs. Said sums to bear interest at the legal rate from March 2, 2009 until paid.

Signed: March 4, 2009

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

